
UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES – GENERAL

Case No.: 8:22-cv-01676-FWS-DFM

Date: February 16, 2024

Title: Daniel Dellepiane et al. v. BMW of North America, LLC

Present: **HONORABLE FRED W. SLAUGHTER, UNITED STATES DISTRICT JUDGE**

Melissa H. Kunig
Deputy Clerk

N/A
Court Reporter

Attorneys Present for Plaintiffs:

Attorneys Present for Defendant:

Not Present

Not Present

PROCEEDINGS: (IN CHAMBERS) ORDER TO SHOW CAUSE

Plaintiffs Daniel Dellepiane and Maria D. Romales (collectively, “Plaintiffs”) initiated this suit on September 12, 2022, against Defendant BMW of North America, LLC (“Defendant”). (Dkt. 1.) Defendant answered on October 11, 2022. (Dkt. 8.) The parties completed a Joint 26(f) Report on January 9, 2023, (Dkt. 15), and the court set the operative scheduling order in this matter on January 13, 2023, (Dkt. 16). At this stage of the proceedings, the following relevant deadlines under the operative scheduling order have passed:

- The deadline to complete a settlement conference on December 14, 2023;
- The deadline to file motions in limine, memoranda of contentions of fact and law, a witness list, a joint exhibit list, a joint status report regarding settlement, proposed findings of fact and conclusions of law on February 1, 2024;
- The deadline to file oppositions to motions in limine, a joint proposed final pretrial conference, joint agreed jury instructions, disputed jury instructions, a joint proposed verdict form, a joint proposed statement of the case, and proposed voir dire questions on February 8, 2024.

(*Id.* at 2.)

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES – GENERAL

Case No.: 8:22-cv-01676-FWS-DFM

Date: February 16, 2024

Title: Daniel Dellepiane et al. v. BMW of North America, LLC

The court notes that the pre-trial conference in this matter is set for February 22, 2024, and the trial is set for March 5, 2024. However, as of the date of this Order, neither party has filed any of the aforementioned pre-trial documents as required by the scheduling order and the court's Standing Order. (*See generally* Dkt.) Accordingly, both Plaintiffs and Defendant are **ORDERED TO SHOW CAUSE** in writing, no later than February 21, 2024, at 12:00 p.m., why this matter should not be dismissed for failure to prosecute and failure to comply with court orders.

Failure to comply with the court's order will result in dismissal. *See* Fed. R. Civ. P. 41(b); L. R. 41-6; *Link v. Wabash R.R.*, 370 U.S. 626, 629 (1962) ("The authority of a federal trial court to dismiss a plaintiff's action with prejudice because of his failure to prosecute cannot seriously be doubted."); *Hells Canyon Pres. Council v. U.S. Forest Serv.*, 403 F.3d 683, 689 (9th Cir. 2005) ("[C]ourts may dismiss under Rule 41(b) sua sponte, at least under certain circumstances."); *Ash v. Cvetkov*, 739 F.2d 493, 496 (9th Cir. 1984) ("It is within the inherent power of the court to sua sponte dismiss a case for lack of prosecution.").

IT IS SO ORDERED.

Initials of Deputy Clerk: mku